

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
CLERK OF COURT

OCT 24 2005

U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

NORTH READING SCHOOL COMMITTEE  
Plaintiff

v.

Civil Action No.  
05-11162 RCL

BUREAU OF SPECIAL EDUCATION  
APPEALS of the MASSACHUSETTS  
DEPARTMENT OF EDUCATION,  
MASSACHUSETTS DEPARTMENT  
OF EDUCATION, and TIMOTHY  
GRAFTON and COURTNEY GRAFTON,  
as Parents and Next Friend of M.G.  
Defendants

**NORTH READING SCHOOL COMMITTEE'S  
OPPOSITION TO TIMOTHY AND COURTNEY  
GRAFTON'S MOTION TO STRIKE**

Now comes the Defendant-in-Counterclaim, North Reading School Committee, and opposes Timothy and Courtney Grafton's Motion to Strike Exhibits 3 and 4 to North Reading School Committee's Motion to Dismiss. As grounds therefore the Defendant-in-Counterclaim states that in considering a motion to dismiss pursuant to Rule 12(b)(6), this court may consider the counterclaim, documents annexed to it, documents fairly incorporated within it, and matters that are susceptible to judicial notice.

The contested exhibits are documents fairly incorporated within the counterclaim and matters susceptible to judicial notice.

WHEREFORE the Defendant-in-Counterclaim respectfully requests that this court deny the Plaintiff-in-Counterclaim's Motion to Strike.

Respectfully submitted,  
The Plaintiff/Defendant-in-Counterclaim,

North Reading School Committee,

By its attorneys,

SULLIVAN & NUTTALL, P.C.

  
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Certificate of Service

I hereby certify that I have served a copy of the foregoing document on all counsel of record for each party by first class mail, postage prepaid.

Date: 10/21/05

  
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Thomas J. Nuttall